

REMARKS

I. GENERAL

Claims 1-19, 33, and 49-52 stand allowed by the Examiner. Applicant respectfully requests the addition of new claims 53-55 to the present application.

II. AMENDMENTS AFTER ALLOWANCE

According to 37 C.F.R. § 1.312, while amendments of pending claims after allowance may not be made as a matter of right, any amendment pursuant to § 1.312 that is before or with the payment of the issue fee “may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue.” 37 C.F.R. § 1.312. Further, pursuant to MPEP § 714.16, as the proposed amendments add new claims, the accompanying remarks fully and clearly show: (A) why the amendment is needed; (B) why the proposed amended or new claims require no additional search or examination; (C) why the claims are patentable; and (D) why they were not presented earlier.

In addition, Applicant submits that no new matter has been added by the new claims as they are supported by the specification as filed. For instance, claims 53 and 55 are supported by at least paragraph [0064] of the specification as filed, and claim 54 is supported by at least paragraph [0050].

A. Claims 53-55 Are Necessary.

Applicant has reviewed the final specification prior to payment of the Issue Fee and has noted that some of the claims that were canceled in the First Preliminary Amendment, filed on 10/31/2003, are relevant to Applicant’s products and services. Therefore, Applicant wishes to reinstate the subject matter of these previously canceled claims by adding new claims 53-55 in order to obtain the best protection for Applicant’s products and services.

B. Claims 53-55 Do Not Require Additional Search or Examination.

The newly added claims 53-55 do not require additional search or examination because they are claims that depend from allowed independent claims. Claims 53 and 54 depend from independent claim 17, and claim 55 depends from independent claim 33. Both independent claims 17 and 33 have been allowed. *See* Notice of Allowance dated 11/17/2009. Dependent claims 53-55 inherit all the limitations of the independent claims from which they depend. As such, each of the dependent claims 53-55 sets forth features and limitations that have been allowed and further limits independent claims 17 and 33, respectively. In addition, claims 53 and 54 correspond to allowed dependent claims 7 and 15. Therefore, claims 53-55 do not require additional search or examination.

C. Claims 53-55 Are Patentable.

Claims 53-55 are patentable by virtue of their dependency on allowed independent claims 17 and 33, respectively. Further, as shown above, claims 53-55 are supported by the specification as filed and comply with the requirements of 35 U.S.C. §§ 101 and 112. As previously stated, claims 53 and 54 depend from independent claim 17, and claim 55 depends from independent claim 33. Both independent claims 17 and 33 have been allowed. *See* Notice of Allowance dated 11/17/2009. Dependent claims 53-55 inherit all the limitations of the independent claims from which they depend. As such, each of the dependent claims 53-55 sets forth features and limitations that have been allowed. In addition, claims 53 and 54 correspond to allowed dependent claims 7 and 15. Therefore, dependent claims 53-55 are patentable.

D. Claims 53-55 Were Previously Canceled to Reduce Dependent Claims Fees.

As previously indicated, the subject matter of claims 53-55 were not removed in response to any office actions. Instead, the claims were removed on filing of this Application in a First Preliminary Amendment to reduce dependent claims fees. At the time of filing, Applicant did not fully appreciate the relevance of the omitted subject matter to Applicant's products and services. It is only following the pre-issue review of the application that Applicant has realized the significance of the previously canceled subject matter to Applicant's products and services.

IV. CONCLUSION

If it is determined that a telephone conference would expedite the consideration of this amendment, the Examiner is invited to telephone the undersigned at the number given below. In view of the above, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge any fees required or credit any overpayment to Deposit Account No. 06-2380 under Order No. 60167/WO-697003CON, during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

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